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AGAINST CAPITAL PUNISHMENT

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**ZIONISM AND
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Reform long past due—an editorial

ONE OF THE FUNCTIONS OF CHRISTIAN SOCIAL ACTION is to fight the cause of people who are easily forgotten and who cannot do much in their own behalf. Hence the major part of this issue of our magazine deals with one aspect of society's treatment of men and woman who are, to be sure, criminals convicted of capital crimes but still human beings and children of God. As at least two of our authors make clear, however, capital punishment should not be considered solely from the viewpoint of those on whom it is inflicted but also from the viewpoint of its effect on the rest of us.

As one of the authors says, capital punishment is not the most important question in contemporary society. But it is not therefore unimportant. It is linked to the whole question of prison reform. And radical changes in our treatment of prisoners are long past due. The treatment of convicted offenders against the law still, in the main, reflects two attitudes of which we cannot be proud. It reflects the desire for vengeance, rather than the desire for rehabilitation or, even, the quite necessary purpose of protecting society against the criminal. It reflects, in the second place, the impulse to put the lawbreaker away where he will not remind us of either our own suppressed anti-social impulses or the failures of our society.

It will be noticed that we are publishing no articles in defense of capital punishment. There are, of course, persons who do not want the electric chair, the gas chamber, and the hanging noose abolished. But among criminologists and other close students of penology defenders of this practice are exceedingly hard to find. It seems fair to say that, with a few exceptions, support for capital punishment is found among those whose approach is emotional and traditional or who base their support on a literalistic, and really quite impossible, reading of the Old Testament. The Council for Christian Social Action has no official position on the question but it is currently on the agenda of the Committee on Social Welfare. We would be glad to hear from persons who disagree with the conclusion reached by our authors.

—HERMAN F. REISSIG

The case against capital punishment

The infliction of the death penalty is becoming less frequent and the actual execution of the sentence of death even more rare, both in the United States and in foreign countries. Not only is this trend apparent in those nations and states which have formally repudiated the *lex talionis* and have eliminated capital punishment from their penal codes¹ but it is almost equally clear in many of the jurisdictions which still retain the ultimate sanction for from one to fourteen crimes.² This diminished frequency is a reflection of the popular distaste for executions and of the recognition by many criminologically and psychiatrically oriented judges, juries, prosecutors, and commuting and pardoning authorities that capital punishment is as ineffective as a special capital crimes deterrent as it is ethically and morally undesirable.

The case against the death penalty is supported by many arguments—with the order of their importance or precedence dependent upon the orientation of the proponent or the composi-

¹ Michigan, Rhode Island, Wisconsin, Maine, Minnesota, North Dakota, Delaware, Alaska, Hawaii, Puerto Rico, and the Virgin Islands in the United States. Many nations have abolished capital punishment outright; others retain it in restricted application (e.g., Israel for war criminals; Guatemala for men but not for women or children; USSR for treason and certain atrocious murders; England for murders with firearms or explosives and for killing a police or prison officer in escaping custody); still other nations have just stopped using the death penalty (Luxemburg's last execution was in 1822 and Belgium's in 1863). Only 15 of the 43 death penalty jurisdictions in the United States actually executed anyone during 1958 and four states (California, Georgia, Ohio and Texas) accounted for half the total executions. Canada, which retains the death penalty despite an aggressive campaign by the abolition forces, actually commuted 32 of its last 40 death sentences.

By Donal E. J. MacNamara, Dean of the New York Institute of Criminology, President of the American League to Abolish Capital Punishment, President-Elect of the American Society of Criminology, Editor of *Excerpta Criminologica*, Fellow of the American Association for the Advancement of Science, and Fellow of the American Academy of Criminalistics.

tion of the audience to whom the argument is being addressed. The late Harold Laski, in opening his series of lectures to one of my graduate seminars in political theory, suggested that a lecturer or writer was under obligation to his audience to define both the articulate and inarticulate basic premises upon which his theoretical structure, and its practical application to the matters under discussion, rested. This writer, then, is a practicing criminologist with both administrative and operational experience in police and prison work over a period of more than two decades; he was brought up in a Catholic household, went to parochial schools for twelve years, and then took degrees from two non-sectarian institutions. He is a "convert" to abolition, for during his active police and prison career he not only accepted the death penalty pragmatically as existent, necessary, and therefore desirable but participated in one or another formal capacity in a number of executions.

ARGUMENTS AGAINST CAPITAL PUNISHMENT

The case against capital punishment is ten-fold:

1. *Capital punishment is criminologically unsound.* The death penalty is the antithesis of the rehabilitative, non-punitive, non-vindictive orientation of twentieth century penology. It brutalizes the entire administration of criminal justice. No criminologist of stature in America or abroad gives it support. And those "arm-chair" and so-called "utilitarian" criminologists who plead its necessity (never its desirability or morality) do so in terms of Darwinian natural selection and/or as a eugenics-oriented, castration-sterilization race purification technique, an economical and efficient method of disposing of so-

2 It is frequently assumed that the death penalty is prescribed only for murder ("a life for a life"). Actually in the United States there are more than thirty different offenses punishable by death in one or more jurisdictions (Georgia has fourteen capital crimes). Murder carries the death penalty in 43 jurisdictions; kidnapping in 34; treason in 25; rape in 19; dueling in 18; train-wrecking in 15; lynching in 10; perjury in a capital case in 10; dynamiting in 7; armed robbery in 7; arson in 6; burglary in 4; abortion resulting in death in 4; aggravated assault by a "lifer" in 2; and 18 other offenses including espionage, selling narcotics to a minor, etc., in one jurisdiction each. Eight of these crimes have actually resulted in executions since 1930: 3,141 for murder; 470 for rape; 22 for armed robbery; 17 for kidnapping; 11 for burglary (all Negroes in North Carolina and Alabama); 8 for espionage; 4 for assaults by "lifers"; and one for desertion. Of these the Federal Government executed 31—and the U. S. Army and Air Force executed an additional 159. The United States Navy has executed no one since 1840. There is a bill before Congress to abolish the death penalty in Federal courts and similar bills have been introduced in more than a dozen state legislatures.

ciety's jetsam. Those who advance these arguments are probably not aware that they are rationalizing a residual lust for punishment or propagating an immoral, virtually paganistic, philosophy.

2. *Capital punishment is morally and ethically unacceptable.* The law of God is "Thou shalt not kill," and every system of ethics and code of morals echoes this injunction. It is well recognized that this Commandment (and the laws of man based upon it) permit the killing of another human being "in the lawful defense of the slayer, or of his or her husband, wife, parent, child, brother, sister, master or servant, or of any other person in his presence or company"³ when there is "imminent danger" and in "actual resistance" to an assault or other criminal act. It is equally well recognized that society, organized as a sovereign state, has the right to take human life in defending itself in a just war against either internal or external unjust aggression. But the individual citizen has no right in law or morals to slay as punishment for an act, no matter how vile, already committed; nor has he legal or moral justification to kill when—his resistance to an attempted criminal act having proved successful short of fatal force—the imminent danger is eliminated and the criminal attack or attempt discontinued.

Individuals in groups or societies are subject to the same moral and ethical codes which govern their conduct as individuals. The state, through its police agents, may take human life when such ultimate measure of force is necessary to protect its citizenry from the imminent danger of criminal action and in actual resistance to felonious attempts (including attempts forcibly to avoid arrest or escape custody). Once, however, the prisoner has been apprehended and either voluntarily submits to custody, or is effectively safeguarded against escape (maximum security confinement), the right of the state to take his life as punishment, retribution, revenge, or retaliation for previously committed offenses (no matter how numerous or heinous) or as an "example" to deter others, or as an economical expedient, does not exist in moral law.

I argue this despite the fact that it is a position which is contrary to that expounded by a number of eminent theologians,

³ Section 1055, New York State Penal Code.

notably Thomas Aquinas. Writing in times long past and quite different, and expressing themselves in terms of conditions, logic and experiences of those times, such theologians have defended the right of the state to take human life as a punishment "when the common good requires it." Moreover, they have held that, under certain conditions, the state is morally bound to take human life and that not to take it would be sinful. Although I am philosophically opposed to war whether as an extension of diplomacy or an instrument of national policy, I recognize the right of a nation, through its armed forces and in accord with the rules of civilized warfare, to take human life in defense of its sovereignty, its national territory, and its citizens. Such recognition is in no way inconsistent with my views anent the death penalty, for the Geneva Convention makes it clear that the killing of one's enemy (no matter how many of one's troops he has slaughtered in battle) after he has laid down his arms, surrendered, or been taken prisoner, will not be countenanced by civilized nations.

SUPPOSED DETERRENT EFFECT

3. *Capital punishment has demonstrably failed to accomplish its stated objectives.* The proponents of the death penalty base their support largely on two basic propositions: (1) that the death penalty has a uniquely deterrent effect on those who contemplate committing capital crimes; and (2) that the provision of the death penalty as the mandatory or alternative penalty for stated offenses in the statute books removes for all time the danger of future similar offenses by those whose criminal acts have made them subject to its rigors.

Neither of these propositions will stand logical or statistical analysis. Proposition 1 is dependent upon acceptance of the repudiated "pleasure-pain" principle of past-century penology. This theory presupposes a "rational man" weighing the prospective profit or pleasure to be derived from the commission of some future crime against the almost certain pain or loss he will suffer in retribution should he be apprehended and convicted. That many persons who commit crimes are not "rational" at the time the crime is committed is beyond dispute. Avoiding the area of psychiatric controversy for the moment, let it be sufficient to report that Dr. Shaw Grigsby of the University of

Florida in his recent studies at the Raiford (Florida) State Penitentiary found that more than 75 per cent of the males and more than 90 per cent of the females then in confinement were under the influence of alcohol at the time they committed the offenses for which they were serving sentence; and that Dr. Marvin Wolfgang's studies of the patterns in criminal homicide in Philadelphia in large measure lend support to Dr. Grigsby's findings.

While perhaps the theological doctrine of "sufficient reflection and full consent of the will" as necessary prerequisites to mortal sin is somewhat mitigated by the mandate to "avoid the occasions of sin" in the determination of moral responsibility, we are here discussing rationality in terms of weighing alternatives of possible prospective deterrence rather than adjudicated post-mortem responsibility. Proposition 1 further presupposes knowledge by the prospective offender of the penalty provided in the penal code for the offense he is about to commit—a knowledge not always found even among lawyers. It further assumes a non-self-destructive orientation of the offender and, most importantly, a certainty in his mind that he will be identified, apprehended, indicted, convicted, sentenced to the maximum penalty, and that the ultimate sanction will indeed be executed. When one notes that of 125 persons indicted for first degree murder in the District of Columbia during the period 1953-1959, only one (a Negro) was executed despite the mandatory provision of the law;⁴ and further that, despite the fact that more than three million major felonies were known to the police in 1960, the total prison population (federal and state) at the January 1961 prison census (including substantially all the convicted felons of 1960 and many from prior years) stood at a minuscule 190,000, the rational criminal might very well elect to "play the odds."

UNCERTAINTY OF EXECUTION

The second part of the proposition assumes that all or a high proportion of those who commit crimes for which the death penalty is prescribed will in fact be executed,—an assumption, rebutted above, which was false even in the hey-day of capital punishment when more than two hundred offenses were punish-

⁴ Section 22, D. C. Code 2404.

able on the gallows. It shows no awareness that the mere existence of the death penalty may in itself contribute to the commission of the very crimes it is designed to deter, or to the difficulty of securing convictions in capital cases. The murderer who has killed once (or committed one of the more than thirty other capital crimes) and whose life is already forfeit if he is caught would find little deterrent weight in the prospect of execution for a second or third capital crime—particularly if his victim were to be a police officer attempting to take him into custody for the original capital offense. The suicidal, guilt-haunted psychotic might well kill (or confess falsely to a killing) to provoke the state into imposing upon him the punishment which in his tortured mind he merits but is unable to inflict upon himself.

Prosecutors and criminal trial lawyers have frequently testified as to the difficulty of impanelling juries in capital cases and the even greater difficulty of securing convictions on evidence which in non-capital cases would leave little room for reasonable doubt. Appeals courts scan with more analytical eye the transcripts in capital cases, and error is located and deemed prejudicial which in non-capital cases would be overlooked. The Chessman case is, from this viewpoint, a monument to the determination on the part of American justice that no man shall be executed while there is the slightest doubt either as to his guilt or as to the legality of the process by which his guilt was determined. Criminologists have pointed out repeatedly that the execution of the small number of convicts (fewer than fifty each year in the United States) has a disproportionately brutalizing effect on those of us who survive. Respect for the sanctity and inviolability of human life decreases each time human life is taken. When taken formally in the circus-like atmosphere which unfortunately characterizes twentieth century trials and executions (both here and abroad), emotions, passions, impulses and hostilities are activated which may lead to the threshold of murder many who might never have incurred the mark of Cain.

INCONSISTENT APPLICATION

4. *Capital punishment in the United States has been and is prejudicially and inconsistently applied. The logic of the re-*

tentionist position would be strengthened if the proponents of capital punishment could demonstrate that an "even-handed justice" exacted the supreme penalty without regard to race or nationality, age or sex, social or economic condition; that all or nearly all who committed capital crimes were indeed executed; or, at least, that those pitiful few upon whom the sentence of death is carried out each year are in fact the most dangerous, the most vicious, the most incorrigible of all who could have been executed. But the record shows otherwise.

Accurate death penalty statistics for the United States are available for the thirty-year period, 1930-1959. Analysis of the more than three thousand cases in which the death penalty was exacted discloses that more than half were Negroes, that a very significant proportion were defended by court-appointed lawyers, and that few of them were professional killers. Whether a man died for his offense depended, not on the gravity of his crime, not on the number of such crimes or the number of his victims, not on his present or prospective danger to society, but on such adventitious factors as the jurisdiction in which the crime was committed, the color of his skin, his financial position, whether he was male or female (we seldom execute females), and indeed oftentimes on what were the character and characteristics of his victim (apart from the justifiability of the instant homicidal act).

It may be exceedingly difficult for a rich man to enter the Kingdom of Heaven but case after case bears witness that it is virtually impossible for him to enter the execution chamber. And it is equally impossible in several states to execute a white man for a capital crime against a Negro. Professional murderers (and the directors of the criminal syndicates which employ them) are seldom caught. When they are arrested either they are defended successfully by eminent and expensive trial counsel; or they eliminate or intimidate witnesses against them. Failing such advantages, they wisely bargain for a plea of guilty to some lesser degree of homicide and escape the death chamber. The homicidal maniac, who has massacred perhaps a dozen, even under our archaic MacNaghten Rule, is safely outside the pale of criminal responsibility and escapes not only the death penalty but often even its alternatives.

5. *The innocent have been executed.* There is no system of criminal jurisprudence which has on the whole provided as many safeguards against the conviction and possible execution of an innocent man as the Anglo-American. Those of us who oppose the death penalty do not raise this argument to condemn our courts or our judiciary, but only to underline the fallibility of human judgment and human procedures. We oppose capital punishment for the guilty; no one save a monster or deluded rationalist (e.g., the Captain in Herman Melville's *Billy Budd*) would justify the execution of the innocent. We cannot however close our minds or our hearts to the greater tragedy, the more monstrous injustice, the ineradicable shame involved when the legal processes of the state, knowingly or unknowingly, have been used to take the life of an innocent man.

The American Bar Foundation, or some similar research-oriented legal society, might well address itself to an objective analysis of the factors which led to the convictions of the many men whose sentences for capital crimes have in the past few decades been set aside by appellate courts (or by executive authority after the courts had exhausted their processes), and who later were exonerated either by trial courts or by the consensus of informed opinion. Especial attention should be directed to the fortunately much smaller number of cases (e.g., the Evans-Christie case in England and the Brandon case in New Jersey) in which innocent men were actually executed. Perhaps, too, a re-analysis would be profitable of the sixty-five cases cited by Professor Edwin Borchard in his *Convicting the Innocent*, the thirty-six cases mentioned by U. S. Circuit Court of Appeals Judge Jerome Frank in *Courts on Trial*, and the smaller number of miscarriages of justice outlined by Erle Stanley Gardner in *Court of Last Resort*.

ALTERNATIVE PENALTIES

6. *There are effective alternative penalties.* One gets the impression all too frequently, both from retentionist spokesmen and, occasionally, from the statements of enthusiastic but ill-informed abolitionists, that the only alternative to capital punishment is no punishment; that, if the death penalty does not deter, then surely no lesser societal response to the violation of its laws and injury to its citizens will prove effective.

The record in abolition jurisdictions, some without the death penalty for more than one hundred years, both in the United States and abroad, in which imprisonment for indeterminate or stated terms has been substituted for the penalty of death, is a clear demonstration that alternative penalties are of equal or greater protective value to society than is capital punishment.

RELATION OF DEATH PENALTY TO CAPITAL CRIMES RATE

In every instance in which a valid statistical comparison is possible between jurisdictions scientifically equated as to population and economic and social conditions, the nations and states that have abolished capital punishment have a smaller capital crimes rate than the comparable jurisdictions that have retained the death penalty. Further, the capital crimes rate in those jurisdictions which, while retaining the death penalty, use it seldom or not at all is in most instances lower than the capital crimes rates in the retentionist jurisdictions which execute most frequently.

And, finally, comparing the before, during, and after capital crimes rates in those jurisdictions (nine in the United States) which abolished capital punishment and then restored it to their penal codes, we find a consistently downward trend in capital crimes unaffected by either abolition or restoration. Startling comparisons are available. The United States Navy has executed no one in more than 120 years; yet it has maintained a level of discipline, effectiveness, and morale certainly in no sense inferior to that of the United States Army which has inflicted the death penalty on more than 150 soldiers in just the last three decades.

Delaware, most recent state to abolish the death penalty, experienced a remarkable drop in its capital crimes rate during the first full year of abolition. No criminologist would argue that abolition will necessarily reduce capital crimes; nor will he attempt to demonstrate a causal connection between absence of the death penalty and low capital crimes rates. In point of fact, homicide is the one major felony which shows a consistent downward trend in both capital punishment and abolition jurisdictions—indicating to the student of human behavior that the crime of murder, particularly, is largely an irrational

reaction to a concrescence of circumstances, adventitiously related, wholly independent of and neither positively nor negatively correlatable with the legal sanction provided in the jurisdiction in which the crime actually took place. Dr. Marvin Wolfgang has pointed out with some logic that our decreasing murder rate is probably in no small part due to improved communications (ambulance gets to the scene faster), improved first aid to the victim, and the antibiotics, blood banks, and similar advances in medicine which save many an assault victim from becoming a corpse—and of course his assailant from being tagged a murderer. The consistent upward trend in assaultive crimes gives support to Dr. Wolfgang's thesis.

PROTECTION OF LAW OFFICERS

7. *Police and prison officers are safer in non-death penalty states.* The studies of Donald Campion, S.J., associate editor of *America*, and others indicate (albeit with restricted samplings) that the life of a police officer or a prison guard is slightly safer in the non-death penalty states, although the difference is so slight as to be statistically insignificant. Prison wardens overwhelmingly support abolition but large segments of the police profession support the retention of the death penalty both as a general crime deterrent (which it demonstrably is not) and as a specific safeguard to members of their own profession. Significantly, few of the police officers who serve in non-death penalty states are active in the fight to restore capital punishment and most of those who oppose abolition in their own jurisdictions have never performed police duties in an abolition state. It is a criminological axiom that it is the certainty, not the severity, of punishment that deters. Improvements in the selection, training, discipline, supervision, and operating techniques of our police will insure a higher percentage of apprehensions and convictions of criminals and, even without the death penalty, will provide a greater general crime deterrent and far more safety both for the general public and for police officers than either enjoys at present.

8. *Paroled and pardoned murderers are no threat to the public.* Studies in New Jersey and California, and less extensive studies of paroled and pardoned murderers in other jurisdictions, indicate that those whose death sentences have been com-

muted, or who have been paroled from life or long-term sentences, or who have received executive pardons after conviction of capital crimes are by far the least likely to recidivate. Not only do they not again commit homicide, but they commit other crimes or violate their parole contracts to a much lesser extent than do paroled burglars, robbers, and the generality of the non-capital crimes convicts on parole. My own study of nearly 150 murderers showed that not a single one had killed again and only two had committed any other crime subsequent to release. Ohio's Governor Michael Di Salle has pointed out (as Warden Lewis Lawes and other penologists have in the past) that murderers are by and large the best and safest prisoners; and he has demonstrated his confidence by employing eight convicted murderers from the Ohio State Penitentiary in and about the Executive Mansion in Columbus in daily contact with the members of his family.

9. *The death penalty is more costly than its alternatives.* It seems somewhat immoral to discuss the taking of even a murderer's life in terms of dollars and cents; but often the argument is raised that capital punishment is the cheapest way of "handing" society's outcasts and that the "good" members of the community should not be taxed to support killers for life (often coupled with the euthanasian argument that "they are better off dead"). The application of elementary cost accounting procedures to the determination of the differential in costs peculiar to capital cases will effectively demonstrate that not only is it not "cheaper to hang them"; but that, on the contrary, it would be cheaper for the taxpayers to maintain our prospective executees in the comparative luxury of first-rate hotels, with all the perquisites of non-criminal guests, than to pay for having them executed. The tangible costs of the death penalty in terms of long-drawn-out jury selection, extended trials and retrials, appeals, extra security, maintenance of expensive, seldom-used death-houses, support of the felon's family, etc., are heavy.

NEED OF GENERAL PENAL REFORM

10. *Capital punishment stands in the way of penal reform.* Man has used the death penalty and other forms of retributive punishment throughout the centuries to control and govern the conduct of his fellows and to force conformity and compliance

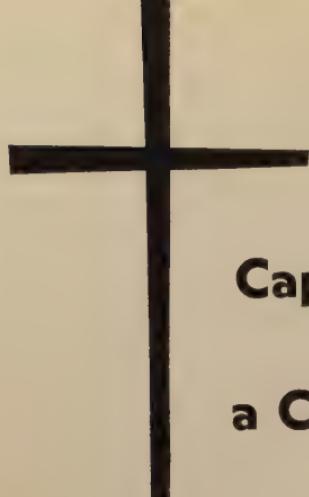
to laws and codes, taboos and customs. The record of every civilization makes abundantly clear that punishment, no matter how severe or sadistic, has had little effect on crime rates. No new approach to the criminal is possible so long as the death penalty, and the discredited penology it represents, pervades our criminal justice system. Until it is stricken from the statute books, a truly rehabilitative approach to the small percentage of our fellowmen who cannot or will not adjust to society's dictates is impossible of attainment. That there is a strong positive correlation between advocacy of the death penalty and a generally punitive orientation cannot be gainsaid. Analysis of the votes for corporal punishment bills, votes against substitution of alternative for mandatory features in the few mandatory death penalty jurisdictions,⁵ votes against study commissions and against limited period moratoria,⁶ and comparison with votes for bills increasing the penalties for rape, narcotics offenses, and other felonies discloses a pattern of simple retributive punitiveness, characterizing many of our legislators and the retentionist witnesses before legislative committees.

RESPONSIBILITY OF CHRISTIANS

Many church assemblies of America and individual churchmen of every denomination have underscored the moral and ethical non-acceptability of capital punishment. Church members have the responsibility to support the campaign to erase this stain on American society. Capital punishment is brutal, sordid, and savage. It violates the law of God and is contrary to the humane and liberal respect for human life characteristic of modern democratic states. It is unsound criminologically and unnecessary for the protection of the state or its citizens. It makes miscarriages of justice irredeemable; it makes the barbaric *lex talionis* the watchword and inhibits the reform of our prison systems. It encourages disrespect for our laws, our courts, our institutions; and, in the words of Sheldon Glueck, "bedevils the administration of criminal justice and is the stumbling block in the path of general reform in the treatment of crime and criminals."

⁵ New York and the District of Columbia, notably.

⁶ Massachusetts, New Jersey, Connecticut, Illinois, New York, California, Canada and England.



Capital punishment: a Christian approach

There is great diversity in the thinking of Christians on the question of capital punishment. Among the views commonly encountered among us are the following: (1) that capital punishment should be abolished as soon as possible; (2) that abolition is right, but not very important; (3) that abolition may be the Christian position, but in a world of evil men we cannot as a practical matter afford it; (4) that the death penalty is right and necessary from a Christian point of view; (5) that the state has the theoretic right to execute men, but it is seldom desirable to carry out execution.

This last view is a typical Roman Catholic position. The Vatican State retains the death penalty but no longer carries out executions; indeed the Pope frequently appeals for clemency elsewhere. This is quite different from the view (No. 4) that the death penalty ought to be carried out even more frequently, which is found occasionally in fundamentalist publications.

Most Protestant church bodies have called for abolition of capital punishment (No. 1). This is also the view usually supported by individual Roman Catholics writing on the subject,

By Charles S. Milligan, Professor of Christian Ethics, the Iliff School of Theology, and Chairman of the Social Action Committee of the Colorado Congregational Conference.

and is generally the official view of Jewish organizations.¹ However, it is important to recognize that all the above viewpoints will be found among thoughtful and conscientious Christians of every denomination. Evidently we need to clarify our thinking about a Christian approach to this question.

THE OLD TESTAMENT AND THE DEATH PENALTY

Several Old Testament passages call for the death penalty. In Exodus the following are capital crimes: murder, striking or cursing one's parent, slave procurement, fatal attack by an ox, witchcraft, sodomy, and sacrifice to any god other than Jahweh. To these Leviticus adds adultery. Deuteronomy holds responsible both parties involved in criminal assault in the city, a rebellious son, and an unchaste bride.² The remarkable thing is that punishment by death is as rare as it is and that there are so many restraints placed upon it, as if to curb its wanton use. Nevertheless, if the Bible is used legalistically to support capital punishment, only the crimes specifically listed would be punished with death, and all of them would be under that requirement. Also, where the method of execution is specified—usually stoning—that would be required. If we are going to proceed on an absolutized proof-text method, there is no way to underscore one verse and erase the next.

There are other difficulties involved for those who use selected Old Testament texts to justify capital punishment today. If these texts are legislatively binding on us, on what basis do we reject equally clear rules against wearing wool and linen at the same time (Deut. 22:11), requiring a man to have children by his brother's widow, and setting forth innumerable food requirements and taboos? There are many other passages in the Old Testament that ought to caution against elevating the rules cited into a universal approval of capital punishment for all time. For example, "if any one slays Cain, vengeance shall be taken on him sevenfold" (Gen. 4:15). The strictly legalistic application of selected laws in the Old Testament is a tragic mis-

¹ "What Do the Churches Say on Capital Punishment?", a compilation by the Connecticut Friends Committee on Social Order, 144 S. Quaker Lane, West Hartford 7, Conn. (30¢ per copy)

² Ex. 21:12-29, 22:18-20; Lev. 20:10; Deut. 22:24, 21:21, 22:21.

use of the Bible, as the Salem execution of witches, based upon Exodus 22:18, should remind us.

THE NEW TESTAMENT AND THE DEATH PENALTY

The New Testament nowhere deals explicitly with this subject. There are, however, three events that relate to it. One is that of the woman taken in adultery, whose guilt was not questioned, and who should have been executed according to a legalistic application of the law. It is of interest not only that Jesus brought about her release, but that the legalists threw him into the situation to entrap him. There would have been no point in questioning Jesus about the execution had he not impressed them as the sort of person who might disapprove of capital punishment (John 8:1-11). A second event is Paul's effort to save the life of the escaped slave, Onesimus, who under Roman law was liable to execution (Philemon). The third event is the crucifixion: the supreme case in which malice, cruelty, and injustice combined forces so that even those who found no crime in this man participated in and gave consent to his execution.

It is a sad thing that it is necessary to go into such elemental matters, but one runs into such distorted arguments seriously proposed: for instance, that had there been no capital punishment there would have been no crucifixion or salvation. But bribery, betrayal, and mob justice figured also in the crucifixion. Shall we urge continuance of these practices by the strange logic which thus justifies capital punishment? That God can and does redeem evil does not mean that men should deliberately pursue evil and perpetuate its instruments.

What we are called upon to do is to strive for that mind which was in Christ Jesus and to bring it to bear upon the issues of our time. The New Testament gives much guidance in this; but, far more than a set of answers, it gives us a burden of concerns. It is our responsibility to find the ways and means to love God with our whole being and our neighbor as ourselves. The issue of slavery will serve as a clarifying illustration. By the proof-text method there is no direct biblical warrant for the abolition of slavery. Numerous passages assume the propriety of slavery. Yet it is clear to us that when we take the Bible as a whole and strive to walk by the Spirit, slavery is unjust and evil. It is an interesting academic question whether

slavery was necessary in 1000 B.C., but Christians did not begin to be fully Christian on that issue until they began to ask whether it was right in their own time and place. So with capital punishment. We should not approach these issues by asking what this or that verse says, but by bringing an enlightened and compassionate conscience to the issues. It is not what the Bible says in a *specific verse* (literally interpreted), but what it says to us through its total message, interpreted in terms of our own conditions, that is relevant.

THE CHRISTIAN VIEW MUST BE AN INFORMED VIEW

To take a Christian approach we must find out what the situation is. This amounts to saying that the good Samaritan must use his eyes and his head as well as have compassion. He must see what is wrong and use his best reasoning to deal helpfully and effectively with the problem, using the means available. As Reinhold Niebuhr says:

A community may believe, as it usually does, that reverence for life is a basic moral attitude, and yet rob a criminal of his life in order to deter others from taking life. It may be wrong in doing this; but if it is, the error is not in taking the life but in following a policy which does not really deter others from murder. The question cannot be resolved on *a priori* grounds but only by observing the social consequences of various types of punishment.³

Although I would not agree wholly with this, considerations of effectiveness must certainly be included in decisions of a responsible Christian social ethic. Therefore a necessary part of a Christian approach is to discover how capital punishment works out. For this there are numerous sociological and psychological studies. With remarkable unanimity they show that neither the presence of the death penalty in a state's laws nor the frequency of execution lowers the homicide rate.⁴ Execution is such a drastic medicine and crime such a serious problem that conscientious people cannot remain indifferent to society's continued dependence upon so demonstrably ineffective

³ *Moral Men and Immoral Society* (Scribner's, 1932), Chap. 7.

⁴ E.g., "Murder and the Penalty of Death," *The Annals of the American Academy of Political and Social Science*, Vol. 284 (Nov. 1952); Massachusetts Commission Report (House Document 2575, 1958); Royal Commission Report (Great Britain, 1953); Gregory Zilboorg, *The Psychology of the Criminal Act and Punishment* (London: Hogarth Press, 1955).

a medicine. If it worked for the good of society—effectively lowering the homicide rate or resulting in greater safety for police officers or if executing a murderer restored his victim to life—Christians would face a different problem and sometimes a very cruel dilemma. But we are not concerned with how it might be on some other planet or in another age. And it so happens that on this issue the humane and the pragmatic criteria lead to the same conclusion.

CHRISTIANS CONCERNED WITH BOTH JUSTICE AND COMPASSION

That Christianity places emphasis on mercy, compassion and redemption does not mean that it is indifferent to the base of justice on which these "higher" values function. When a nation has around 8,000 homicides and less than 50 executions a year, it is obvious that "as it is now applied the death penalty is nothing but an arbitrary discrimination against an occasional victim," as the House Committee report to the Sixty-Ninth Congress put it. Under these circumstances the victims will tend to be selected on a very emotional basis in which the prejudices of the society will find expression and poverty will exclude for some the superior legal defense available to others. Instead of dealing responsibly with the question of insanity, it inevitably becomes a legal game. The mere possibility of execution results in endless appeals, hearings and complications in the judicial process. Public cynicism, unwarranted in fact and unhealthy for the body politic, is thus fed. No one of these items singly may be of decisive importance, but taken together the cumulative side effects of capital punishment are important as they affect the administration of justice.

Without minimizing justice, the distinctive witness of the Christian is found in compassionate concern. This is not a sentimental romanticizing over the criminal but a recognition that he is a human being. It means that the Christian asks what can be done, if anything, to redeem this man and to restore his maimed or brutalized humanity. It means that Cain as well as Abel is made in the image of God. It means that the overriding purpose of correctional institutions must be corrective. It is not a question of tough or soft methods, but of intelligent and effective methods. Nor does it mean any lack of feeling for the fam-

ily of a murdered person, but quite the contrary. Not infrequently it is not such heartbroken families but professional purveyors of hate and fear that cry for blood. It is in this tragic dimension of our life in community that the Christian brings his witness of informed compassion and humane wisdom.

The Christian has a continuing task of interpreting to the community the fact that it is not fundamentally because of a man's "value" to the community or how well he has used his capabilities that he merits justice before the law and depth of concern from us, but because he is a human being and our brother, under one God and Father of us all. There is an authentic Christian note in Eugene Debs' statement to the court:

Your Honor, years ago I recognized my kinship with all living beings, and I made up my mind that I was not one bit better than the meanest on earth. I said then, and I say now, that while there is a lower class, I am in it, while there is a criminal element I am of it, and while there is a soul in prison, I am not free.

HOW IMPORTANT IS THIS ISSUE?

Capital punishment is not the most crucial issue before us. The importance it has stems first from a conviction that no man ought to die needlessly, and that if but one man in all the world were involved, and that man a vicious pathological murderer, it would still be a matter of importance. This is an issue which reminds us that the sacredness of the individual is not man-conferred or state-enacted but God-given and inherent.

Additional importance comes from the relationship with other questions. Because it is highly charged with emotion, the issue of capital punishment can become a powerful stimulus for action on behalf of improved criminal laws and correctional methods. It is most unfortunate if a state abolishes capital punishment at the price of regressive parole procedures. Social actionists should be vigilant to see that this issue is understood in relation to the whole pattern of law and custody.

Capital punishment has also a symbolic importance. It is a symbol of an approach to crime that has been tried in the balance of history and found wanting. It stands for the very passions that contribute to crime. We of this age have, like Macbeth, "supp'd full with horrors," and many brutalizing influences continue to play upon our spirits. Any concern that has

a humanizing influence and that renews sensitivity where the daily battering of brutal fact, rumor and phantom has left us calloused and unfeeling, is important for the health of our own souls as well as for the atmosphere of the community. This does not threaten civilization; it is saving health unto it. It was amid deep horror and brutality in the world of 1941 that Winston Churchill wrote these words:

The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country. A calm dispassionate recognition of the rights of the accused, and even of the convicted criminal against the state; a constant heart-searching by all charged with the duty of punishment; a desire and an eagerness to rehabilitate . . . ; tireless efforts toward the discovery of creative and regenerative processes; unfailing faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols which . . . mark and measure the stored-up strength of a nation . . . proof of the living virtue in it.⁵

⁵ Probation, Dec. 1951; quoted by W. E. Hocking, *The Coming World Civilization* (Harper 1956).

Vengeance and the law

Although the law is usually identified with calm, even-handed justice and an absence of hysteria, we find that feelings of hostility and vengeance are often present. Particularly is this true in the instances of aggravated offenses when the death penalty is imposed. Such sentences are accepted by the bulk of the community as "justice" and "even better than the criminal deserves." The perpetuation of the death penalty is due, it seems to me, to the hostility in some of us and the need we have to express it. In other words, the death penalty is often the

By Byron E. Eshelman, Supervising Chaplain, Department of Corrections, State of California.

symptom of vengeance poured out on scapegoats by hostility-burdened people.

Most of us do not want to show our negative emotions. We censor these in ourselves because we consider them "un-Christian" or because we know that they disrupt our relationships with our associates and create insecurity for us. However, since most of us are not so matured that negative emotions have ceased to arise, we must find some other means of handling them. Modern depth-psychology points out that when the immature person attempts self-regulation he hides his faults but does not remove them. Negative feelings are not dissolved or eliminated by attempts to control them but are, so to speak, placed on deposit in a subterranean cave in the unconscious psyche.

In our relationships with our families, our clients, our neighbors and particularly our employers we may avoid showing sharp negative feelings. Perhaps we manage a rather steady pattern of wholesome goodwill. But possibly we are not being entirely honest. When we are irritated and outraged by real or fancied injuries at the hands of our intimates or superiors, we usually swallow most of our resentment. Thus hostility accumulates, vengeance builds up in us, and the subterranean cave in our unconscious psyche fills to the point at which something has to give. We need to find a suitable place to dispose of this subterranean material where it will do the least amount of harm to our cherished and valued relationships.

DISPOSAL OF HOSTILITY FEELINGS

The situation becomes much like the city with its garbage and sewage disposal problems. The city looks for a place out of sight where there will be the least inconvenience from the stench and ugliness of the discarded material. Just as there is material waste from our communities, so is there "emotional waste" in the form of hostility and vengeance-feelings. Like garbage, these negative feelings are to be dumped on out-of-the-way spots where any complaints may be overlooked. Thus our vengeance-feelings as citizens of the community are usually directed at scapegoats who offer the least threat to our security and standing as good citizens. Vengeance seems to gravitate towards those considered inferior, wicked and no-account in the

value-structure of those of us who consider ourselves successful members of society. There are those, no doubt, who dissipate their hostility by such innocuous pastimes as bashing golf balls or shooting bear. But many of us do not seem to have found a suitable use for our hostility. We continue to unload hostility on scapegoats in much the same fashion as the community dumps its garbage in one ravine or another.

GOODWILL AND DEFLECTED HOSTILITY

This deflecting of hostility and vengeance onto "community trash" by those of us who consider ourselves reputable citizens serves as a prop for the relationships in which we manifest "goodwill." Of course, not all goodwill is based on deflected hostility. Mature social feeling is grounded in genuine honesty on all fronts and reflects an absence of appeasing agreeableness to friends as well as angry aversion to enemies. But, lacking such maturity, we fail to recognize our own hypocrisy and rationalize our deflected vengeance in the most virtuous terms. We feel self-righteous and superior for having the feelings of vengeance and disgust towards human beings whom we label as evil. In this we seem to translate the liability of hidden hostility which we are afraid to express towards those upon whom we are dependent into the virtue of overt righteous indignation towards those whom we consider beneath us. Through this unconscious transfer of hostility we gain the illusion of nobility for ourselves and perpetuate our benign but somewhat artificial patience with our close associates for another season.

Prisons and execution devices such as gas chambers and electric chairs may be understood partly as discard receptacles for human beings who are considered waste. The persons who are executed by society become the bearers of deflected vengeance. In this sense we might credit these scapegoats with performing a helpful service for the community, just as does the community trash-dump. Actually, if any "trash" is involved here it is not in the person being executed but in the hostility feelings, which should either be eradicated or given a better outlet. Both the trash-dumps and the execution chambers of a society reveal something of the inability of the community to integrate resources and realize the full potentials of life. We can trace this process in the social system of an average com-

munity. The custom of establishing exclusive communities and of tolerating slum sections is common throughout our nation. Most of us probably do not understand the hostility and vengeance aspects of these cultural patterns of segregation. The influential middle and upper class people tend to rationalize their better situation as deserved by them. They explain that they have worked hard for their advancement and that anyone could do it if he were also diligent and alert.

REPRESSION OF RESENTMENTS

Residential communities of middle and upper-class people usually appear pleasant and neighborly. The outward evidence of hostility is not common. This is partly due to the genuine respect and concern which these residents have for each other, but there may also be an element of hypocrisy in the friendly atmosphere. To the extent that the residents are immature they are maintaining an artificial friendliness with their neighbors at the price of repressing their feelings of resentment. These hostile feelings then accumulate and must be released on substitutes who do not live in the immediate neighborhood or belong to our social set. This deflected vengeance, an offense of which we are of course unaware, is the essence of spiritual murder. Subtle but profound, it sets in motion a chain reaction that comes back to us in tragic ways.

The people living in the underprivileged neighborhoods are oppressed by the community. They feel the rejection and resent it. Their situation is such, however, that it is not expedient for them to express their resentment openly and directly. They are usually in dependent roles as employees and subordinates. They, like those in the more comfortable neighborhoods, follow the pattern of swallowing much of their hostility and allowing it to accumulate in what we may call "vengeance build-up." They in turn tend to explode their pent-up hostility on the least threatening substitutes in their environment. These frequently turn out to be their children, who then become the scapegoats and punching bags in a chain reaction of deflected hostility and vengeance.

We tend to think of this phenomenon as operating most obviously in the poor sections of a community, but it is also to be recognized in the segregated neighborhoods of the wealthy

where delinquency is also apparent. Children who are pampered, spoiled, and coddled are also recipients of deflected emotions and participate in the chain reaction.

CYCLE OF DEFLECTED VENGEANCE

The cycle does not stop with the children. Being human, they also are subject to the phenomenon of "vengeance build-up." Children are somewhat at the mercy of their more powerful parents and find it poor strategy to declare open warfare against them. So they, like the rest of us, tend to repress their hostilities in the presence of those upon whom they feel direct dependence and explode instead against substitute objects. The children do this by projecting their hostility onto other parts of the community where they find relief in acts of vandalism and other obvious expressions of vengeance.

Now we have seen deflected vengeance make the full cycle and come back to the community through the rejected children. The general community is usually unaware of the subtle patterns of deflected hostility. The average citizen reacts with outrage towards the vandals who have projected their hostility upon a community of law-abiding citizens. The community is now quite convinced that their antipathy to these "inferior" people has always been realistic and thoroughly justified. The feeling is that what is required now is more strenuous rejection of this "trash" and thus a new occasion to unload our own accumulated vengeance.

The death penalty fits into this cycle as an intense expression of deflected hostility. The persons upon whom the death penalty falls are generally both the perpetrators of deflected vengeance and the recipients of it. The victims they assault and murder are usually substitutes for mothers, fathers, and other authority-figures whom they have not had the courage to attack directly. The persons executed by the State are in turn the recipients of the violent feeling which those who subscribe to this practice have not had the courage to express more directly towards people upon whom they have projected virtue.



THIS YOUR CHURCH CAN DO

Church people will find capital punishment a most pertinent and exciting topic for discussion. Equally important, it lends itself to an effective action program. It should be stressed that a study of capital punishment is only one facet of the larger study of penal reform. While the sort of reform that is needed in most states will take a long time, the initial steps can be taken now. In undertaking a study of capital punishment, the local church can be an effective agent for stimulating community interest in penal reform.

Preparation by the Social Action Committee

The committee members should read this issue of SOCIAL ACTION before they meet to make plans for study and action. The minister might be invited to attend the meeting and perhaps comment on one or more of the articles. Someone on the committee should check the local library for books listed in the

bibliography, and if funds are available some books could be purchased for the church library. The committee would also find it helpful to subscribe to the informational service of the American League to Abolish Capital Punishment (14 Pearl Street, Brookline 46, Mass.).

Before launching an educational program the committee might ask an interested attorney to help gather information about the death penalty and its application in the state. A short history could be compiled which would include the number of executions, method of execution, list of capital crimes, etc. Any previous or current abolition movements should be noted.

It would be helpful to find out how capital punishment could be legally abolished—i.e., by statutory change or by constitutional amendment. The committee should make all of this information available to groups within the church. In approaching the various church groups the committee should present a basic outline of pertinent points to be emphasized. These should include the following questions:

By Mrs. Stephen Ensner, Chairman, Social Action Committee, Congregational Church of Washington Park, Denver, Colorado.

(1) Why should Christians be concerned about capital punishment?

(2) Does capital punishment promote justice?

(3) Is capital punishment a deterrent to crime?

(4) Are executions brutalizing to society?

(5) Is capital punishment society's best protection against murder?

(6) Does capital punishment save the state money?

(7) What bearing do the sanity laws in this state have on criminal responsibility?

(8) What are some alternatives to capital punishment?

Lay men and women's groups

A talented book reviewer could stimulate much interest. Such a book as *The Offenders* or *Star Wormwood* would be an excellent choice. The group might wish to follow this with a discussion of the questions listed in the basic outline. A debate could be an effective means of presenting the important points.

Youth groups

Here, too, a debate would be an effective means of stimulating interest. Let the members of the group select their own debaters. The social action committee could be helpful in supplying materials.

The adult class

Members of the adult class might want to schedule a series of discussions, perhaps starting

with the theological and psychological aspects as presented in the articles by Milligan and Eshelman in this issue of **SOCIAL ACTION**.

The couples' club

An informed speaker could be invited to present the pros and cons. If the group prefers social gatherings, consider a theatre party or play reading. Such movies as *I Want to Live*, starring Susan Hayward as Barbara Graham who was executed in San Quentin; or *He Who Must Die*, an excellent Greek film still touring the art theatres, would be most appropriate. A group play reading might include Maxwell Anderson's *Winterset* or G. B. Shaw's *St. Joan*.

The congregation

The minister might preach a sermon on capital punishment or a prison chaplain or well informed layman might be invited as a guest speaker.

The church newspaper should be used for book reviews on this subject and "fillers" could include unusual facts about the death penalty in your state or capital punishment in general. The social action committee could sponsor a tour of the state penitentiary for all interested church members.

After there has been full discussion of the subject throughout the church, it might be desirable to take a vote to determine the church's position. The social action committee should

distribute a fact sheet well in advance of the congregational meeting and the purpose of the meeting should be well publicized.

If the congregation supports abolition, delegates to synod and state conference and council of churches should be so advised. Members of the social action committee might then request the larger church bodies to take up this study.

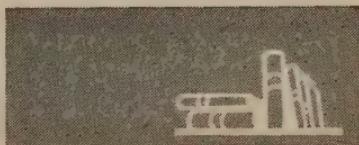
The community

The local church committee can do much to keep the subject before the public by writing letters to the local newspaper, protesting executions, appealing to the governor for clemency and even asking the newspapers

to do a feature story on the death penalty in the state. In larger cities TV and radio stations might be asked to arrange panel discussions.

State legislators can be interviewed. A local committee could present each member of the legislature with a copy of a fact sheet on capital punishment—emphasizing its application in that state. Try to get a sympathetic legislator to introduce a bill to outlaw capital punishment in your state *this year*. It may not pass, but the debate will stimulate interest. There is a real ground swell of concern for abolition of the death penalty throughout the nation and with your help more states will join this movement.

book reviews



Reflections on Hanging, by Arthur Koestler. New York: Macmillan Company, 1957.

Reflections on the Guillotine, by Albert Camus. Fridtjof-Karla, 1959. Also in: The Evergreen Review, Vol. 1, 1957; and The World of Law, ed. Ephraim, London, Vol. II, Simon & Schuster, 1960.

By Doris Havice, Boulder, Colorado, a member of the CCSA.

Star Wormwood, by Curtis Bok. New York: Alfred A. Knopf, 1959.

New Horizons in Criminology, by Harry Elmer Barnes and Negley K. Teeter, 3d ed. New York: Prentice Hall, 1959.

Reflections on Hanging. Koestler's ability to express himself precisely, as well as colorfully, makes this book easy reading. He spares none of the gruesome details that are needed to bring

home to the imagination the enormity of the theory and practice of this vestigial remnant of the dark ages.

The American edition carries a preface by Edmond Cahn, Professor of Law at New York University, recommending it particularly to American readers even though Koestler concentrates on capital punishment in England. Cahn points out that one of the problems in arriving at a sensible attitude toward capital punishment is that it is a subject which so quickly becomes embroiled in sentimental and traditional impedimenta. He therefore recommends the book to Americans because they can view the issue more objectively when its illustrations are all drawn from British cases.

However, Koestler's impact is not limited to England, since the case against capital punishment rests on the same arguments wherever it is found.

Koestler compares England's retention of capital punishment with penal reforms that took place all over Europe in the eighteenth century. He points out that in England hanging was increasingly regarded as a cure-all for every offense during the eighteenth century just when it was being abolished in many of the countries of the continent. He attributes this contrast to three factors: (1) the impact of the industrial revolution with its attendant social upheaval and the development of extreme

poverty amid unprecedented accumulation of wealth as an additional incentive to crime; (2) the Englishman's dislike for authority which prevented the creation of an effective police force; and (3) the peculiarity of English Common Law which led to the emergence of a judiciary that opposed any departure from precedent and any concession to the changing times.

The heart of his attack is on the assumption that capital punishment is to be defended as a deterrent to crime. He sweeps aside as obviously untenable the notion that it has deterred those who have already committed murder, or the one-third of all murderers who commit suicide, or those who are insane, or those who murdered in a sudden passion (80-90 per cent of all murders committed). He discusses the argument that, if the threat of the gallows were removed, the professional criminal would take to murder and the crime rate would go up. In a devastating array of facts and figures from countries and states that have abolished the death penalty he demolishes this argument.

Particularly valuable is the author's treatment of the problem of free will and determinism. The whole advance of social science and psychology has of course deeply altered our concept of responsibility. Koestler is right in pointing out that ultimately this is a theological

problem, although this reviewer would take issue with him in his theological conclusions.

The book has two appendices which are very informative. The first summarizes the experience of foreign countries and the second gives a series of brief case studies of the men and women executed in England, Scotland and Wales during the five years 1949-1953. The latter is appalling in its implications.

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Reflections on the Guillotine. In this 47-page booklet Camus deals with the arguments for the guillotine with incandescent force. He feels that the guillotine has only persisted because there has developed around it a kind of ceremonial screen which prevents the functioning of the imagination of the ordinary person. When it is argued that it serves as a deterrent he points out that society itself does not really believe in this argument since it now maintains absolute privacy around executions; and that, though the number of crimes which are punishable by death are far fewer than in times gone by, the incidence of the crimes which no longer draw the death penalty has not increased.

His most telling argument is against the hidden impulse to revenge involved in the death penalty. The idea that society should retaliate against its criminals assumes that the society is innocent, whereas we know now

that slum conditions and alcoholism (which is fostered by French liquor taxes) are breeding grounds for crimes of passion.

The logic of irrevocable punishment is shown as faulty.

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Star Wormwood. A simply told but powerful tale of an adolescent boy's heart-breaking life which led to the electric chair, as much because he never had a friend until it was too late as because of the obvious vindictiveness of the judge and the trial lawyer. The crime, the trial and the execution are each followed by a section of comment based on three William H. White lectures delivered by the author at the University of Virginia Law School in April 1957. Bok is a judge of vast experience and there is a competence about his telling of the trial which is far superior to the kind of thing we are given in *Anatomy of a Murder*.

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New Horizons in Criminology. This is a pretty thorough revision of a standard text in the field, and its chapter on Capital Punishment is a must for those who want a careful and dispassionate account of the extent and effectiveness of the death penalty; and for those who seek to know what positive approaches to the field of criminology are being made and also what is left to be done.



"Oh, but we don't call it *prison* any more," said the chaplain as we prepared the program for a national meeting of the American Correctional Chaplains' Association. I hurriedly covered up my mistake with, "Of course, yours is a *correctional institution*."

Thus the chaplain, the Rev. Byron Eshelman of San Quentin, California, symbolized the fact that secular institutions seem in so many areas to be way out in front, leaving the Christian church far behind, in an understanding of the social and psychological complexes in which we are involved.

It is not a "prison" any longer. The punitive aspects of it exist only as an ancillary and not an inherent part of the correctional aspect of a person's incarceration.

This newer understanding applies also to the mental hospital, no longer called "insane asylum." The church is therefore under obligation to help its people, in worship, to see the implications of what is surely God's command in the New Testa-

ment, even as they are now being seen by an enlightened correctional policy.

Resources from scripture

Worship resources begin with the Christian statement of the sanctity of human life: "Know you not that you are a temple of God?" In this human body is the locus of God's spirit, the place of God's concern for man. This is the basis of the commandment, "Thou shalt not kill."

A second major premise of worship is the death, voluntarily offered, of Christ upon the cross. This means that human life is so precious in the sight of God that his only begotten son could give himself for mankind.

The scriptures abound with this point of view, and reference need be made only to a few: Paul points to the command not to kill (and others), as summed up in, "you shall love your neighbor as yourself" (Rom. 13:9). Our Lord himself forces the proscription of killing into the ultimate ethic of overcoming even anger to a brother (Matt. 5:17-26).

A Christian will also keep constantly in mind God's concern for the rejected, the least and the lost. The true shepherd returns for the one sheep that

By Harold Wilke, Executive Secretary,
Commission on Church and Ministry, the
Evangelical and Reformed Church, Cleve-
land, Ohio.

was lost. Surely, this has a quite direct bearing on the treatment of criminals!

Scripture lessons might well include Psalm 117; selections from, especially, the fourth and fifth chapters of Micah; passages from Isaiah, particularly in chapters 9, 32, 42, and 55.

Resources from the hymnal

The hymnal provides responsive readings concerned with peace and right relations among men. Hymns might well include "O Brother Man," "O God of Love, O King of Peace," and "These Things Shall Be."

A prayer

Father of all life, who dost not turn away from the least or the worst, we remember before thee, in sorrow and compassion, men and women who out of greed or anger or lust have committed the sin of murder.

Intending to serve justice and to protect other lives, we have done to them under law what they did lawlessly to others. Before thee we examine the laws

and habits of our society and the motives in our own hearts. Purge us, we beseech thee, of the hidden and open desires that make us poor executors of justice. Save us from the spirit of vengeance. Deliver us from turning against others the anger we should feel toward our own misdoings. When we must restrain or punish help us to do it in humility and compassion, not as holding ourselves fit to be judges of the human heart. Forbid that we should ever exult in the death of a sinner.

We pray for all officers of the law: for policemen, for judges and jurymen, for those who guard the prisoner and those who seek to heal and restore him. Give to them and to us, who share with them the burden of responsibility, a passion for redemption.

Before the Cross where Christ prayed for those who killed him we pray for those who have done the final, awful deed, and for ourselves, that we may know better how to do justly and love mercy and walk humbly with our God. Amen.—H.F.R.

Zionism and Anti-Semitism

Correspondence

Editor's Note: SOCIAL ACTION publishes the letters by Messrs. Stowe and Britt and the reply by Mr. Robinson because it believes in discussion — vigorous discussion — of controversial is-

sues. It should go without saying that neither the editor nor the publisher is necessarily in agreement with everything said in the letters of protest or in the reply.

Editor, SOCIAL ACTION

Dear Sir:

Your November issue on anti-Semitism was valuable and interesting, but I am somewhat disappointed in the article by Allyn P. Robinson. It seems to me too simple-minded to do justice to the complex "roots of anti-Semitism in American life." Because of this it is far less effective as a protest against this evil than a more candid, searching and realistic treatment would have been.

Take the paragraph in which he speaks of the tendency among missionaries who work in Arab countries to be prejudiced in favor of the Arab view of Israel-Arab relations. This may be quite true. It is also likely that they have a far better understanding of the Arab side of the question than is possible for most Americans who are dependent upon mass media of communication for their information—and their emotional orientation.

Equal realism about this problem would have explored the tremendous influence of Zionist groups in this country, exerted through these mass media. The special and well recognized Jewish gift for expression has given them unusual opportunities in the world of newspaper publishing, books, films, magazines and broadcasting. As a result it is almost entirely the Zionist position which is known in this country, a point of view

given tremendous emotional power by such books and films as *Exodus*.

To understand the roots and problems of anti-Semitism we also need a frank discussion of the role of Jewish talent in the American scene, of crucial Jewish political influence in certain large cities, of the degree to which social and cultural differences do (or do not) mark off the Jewish community in America, and such other factors as play a part in the total picture of the Jewish-Gentile relationships here.

Such a discussion would, in my opinion, be far more effective in treating the disease of anti-Semitism than an approach which leaves too many stones unturned.

DAVID M. STOWE

The American Board of Commissioners for Foreign Missions, Boston

Dear Sir:

Your November article on anti-Semitism includes a couple of paragraphs which other readers also must have questioned as either an unwitting slip or a case in which both you and your author were imposed upon. I would ask you to turn back and read again following your sub-head, "Repercussions of the Arab-Israel Conflict."

Christians receive their impressions, you will notice, "filtered through the eyes of missionaries to the Arab lands."

Therefore the warning, "make allowance for this emotional component"; also it is "a very short step from anti-Zionism to anti-Semitism."

So we are to discount the missionaries, which leaves us where we have been all along dependent on a daily tidal wave of press copy exalting Israel—that good cause—against which the voices of dissent are smothered and left helpless and discredited. As a slight example, compare the press display of Israeli speeches at the UN with the way Arab speeches simply get lost—or do the Arabs deliver speeches? In the interest of peace and fairness, might you not fitly caution against the filtering out of Arab news and the feebly interrupted silence for the more than a decade concerning the Arab refugees, who hardly seem to qualify as news?

Getting the subject of the Arab-Israel Conflict classed as a factor in anti-Semitism, with which your article obliges, is a triumph for Israel's party line of special pleading. By all means, an unbiased study as you say. But not, please, according to the ruthless semanticists who have for so long identified any deviation from their imposed point of view by their simple favorite rebuttal, "Anti-Semitism!"

If I did not esteem SOCIAL ACTION and read it with profit and respect the valuable influence which it exerts, I should

not bother in this fashion to express the obvious to you.

GEORGE BRITT
New York City

Dr. Robinson replies

Is there not some significance in the fact that both Dr. Stowe and Mr. Britt imply that Jews so control our mass media that our American press wilfully distorts the news of affairs in the Middle East? This, may I point out, is the daily hate-line of Radio Damascus and Radio Cairo. My critics are, of course, not anti-Semites but the Arab propaganda is obviously effective. I am left wondering upon whom the Zionist special pleading which they see in our mass media has its effect. I have seen no evidence of bias toward Israel in our churches, or even—much more unfortunately—any widespread sympathetic understanding of the tragic facts of history in our time that gave Zionism its impetus, and I must point out that I was writing to Christians.

I have visited both the Arab countries and Israel many times (regretfully most of our Christian workers in the Middle East have not visited Israel or sought to understand that country and its leaders), and I have my own conclusions which are not, by the way, black and white. But our subject was anti-Semitism. And on this subject I am afraid Dr. Stowe is expressing a dan-

gerously "simple-minded" proposition. If he had taken the rest of my article more seriously, I do not think that he could have fallen into the trap that he does when he blames anti-Semitism upon Jewish talent, Jewish political influence or Jewish cultural differences. Anti-Semitism is by very definition a Christian or, at least, a non-Jewish disease and it is the deep-rooted prejudice in the non-Jewish community that ought to be a Christian concern.

Jews like all the rest of us have their own biases, but that is another story. If Jews or members of any other group engage in political or other activities which we feel moved to challenge, by all means let us contend with them. Conflict ought to be normal in a democratic society, but let's play fair and separate issues from prejudices and from easy generalizations about a group. Of course, it is possible to be anti-Zionist without being anti-Semitic, but I think there is much to substantiate my contention that real anti-Semitism often finds its expression in anti-Zionism.

Both of these letters make facile generalizations that I do not believe are supported by the facts. Arab speeches and expressions of Arab hatred against the

Jews do get space in the papers that I read. The six Arab information agencies in this country, to say nothing of the four thousand often very vocal Arab students in the United States, seem to me to make their voices heard rather consistently. But there is more than an appraisal of news coverage that is involved here; there is the dangerous assumption that the American press is not free and that when Jews use their influence they are not acting as Americans. It is at such a point that anti-Zionism and anti-Semitism merge. I doubt that either Dr. Stowe or Mr. Britt has seen some of the hatemongering material that I have had given to me by Arab governmental agencies. They would be shocked to see how closely it parallels the old Nazi propaganda, but possibly they would be shocked also to see how it is tied to anti-Zionism.

My very respect for a Christian leader like Dr. Stowe and for the great work in which he is engaged makes me unhappy to see him associate himself with a point of view that could so easily be used to justify the professional anti-Semite's diatribes against a Jewish "conspiracy" and his portrayal of anti-Semitism as a response to Jewish behavior.—ALLYN P. ROBINSON